

Mel Marin  
Box 371401  
San Diego, CA 92137

November 15, 2020

Plaintiff  
*Pro Se*

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF SOUTH DAKOTA**

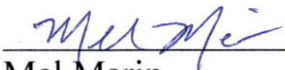
|                   |   |                      |
|-------------------|---|----------------------|
| MEL MARIN,        | ) | CIV 19-5057-JLV      |
|                   | ) |                      |
| Plaintiff,        | ) | NOTICE OF AND MOTION |
|                   | ) | TO AMEND COMPLAINT   |
| v.                | ) |                      |
|                   | ) |                      |
| WELLS FARGO, N/A, | ) |                      |
| CLEAR RECON,      | ) |                      |
|                   | ) |                      |
| Defendant.        | ) |                      |

Plaintiff seeks to AMEND the First Amended Complaint to make only one content change, to make clear at ¶¶ 82-83 that the parties do not admit the loan was ever consummated, where the prior wording could have accidentally implied completion and they did not have access to a law library at that drafting to look up definitions carefully. Trust deeds may have been signed, but no loan money was paid to sister and no promissory note was delivered to her, so there was no consummation so no statutes of limitation ran from consummation.

An amendment must be allowed unless it would be futile. This change

would not be futile. Jin v. Metropolitan Life Ins. Co., 310 F.3d 84, 101 [21](2nd Cir. 2002)(amendment is freely given unless it is futile, in bad faith, or would unduly prejudice opposing party; outright refusal without justifying reason is an abuse of discretion).

DATED: November 15, 2020

  
\_\_\_\_\_  
Mel Marin


#### PROOF OF MAILING

Plaintiff declares under penalty of perjury that on this date he mailed by first class mail the attached MOTION TO AMEND and PROPOSED COMPLAINT to the following:

J. Crisman Palmer  
Gunderson Palmer  
Box 8045  
Rapid City, SD 57709

Jordana Bauman  
415 Laurel St., FRONT PMB 440  
San Diego, CA 92101

DATED: November 15, 2020

  
\_\_\_\_\_  
Mel Marin

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Box 371401  
S Diego CA 92137



MON 16 NOV 2020<sup>AM</sup>

X-RAYED BY  
SOUTH DAKOTA  
CSO

U S District Court  
400 S ~~Phillips~~ Ave  
Sioux Falls,  
South Dakota, 57104



